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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GUARANTY BANK,
Plaintiff,
v.
GUARANTY BANK OF CALIFORNIA,
Defendant.

No. C 05-04724 MMC

**SEPARATE CASE MANAGEMENT
STATEMENT AND ~~[PROPOSED]~~
ORDER RESCHEDULING CASE
MANAGEMENT CONFERENCE**

Date: March 24, 2006
Time: 10:30 a.m.
Judge: Hon. Maxine M. Chesney
Courtroom: 7

1 Plaintiff, Guaranty Bank, submits this Separate Case Management Statement and
 2 Proposed Order:

3 1. **A brief description of the events underlying this action:** This is an action for
 4 trademark infringement and unfair competition under the Trademark Act of 1946, as amended
 5 (the Lanham Act, 15 U.S.C. § 1051 *et seq.*); for cancellation of a trademark registration under
 6 California Business and Professions Code § 14280 *et seq.*; and for unfair competition under
 7 California Business and Professions Code § 17200 *et seq.* and California common law. Plaintiff
 8 Guaranty Bank alleges that Defendant Guaranty Bank of California is infringing Plaintiff's
 9 trademark by opening new and additional branches outside of the Los Angeles area, and that
 10 Defendant's recent advertising activities indicate its desire to further expand. (Am. Compl. ¶¶
 11 18- 23) Defendant has also improperly attempted to register the mark "GUARANTY BANK
 12 OF CALIFORNIA" with the United States Patent and Trademark Office (that application is
 13 pending), and has registered that mark with the California Secretary of State. (Am. Compl. ¶¶
 14 24-26) Unless these actions are restrained, there will be customer confusion and Plaintiff will
 15 suffer irreparable harm. (Am. Compl. ¶¶ 27-36)

16 2. **Status of case:**

17 Guaranty Bank has been attempting to resolve this dispute informally and has delayed
 18 service during these informal talks. Guaranty Bank served Guaranty Bank of California with the
 19 complaint and other initiating documents on March 9, 2006. Because service was so recent,
 20 Guaranty Bank of California has not appeared in this action and the parties have not had time to
 21 discuss the issues that need to be discussed before submitting a complete Joint Case Management
 22 Statement. Guaranty Bank therefore requests that the Court to continue the case management
 23 conference for 60 days so that the parties may have time to discuss those issues.

1 DATED: March 14, 2006

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3 BINGHAM MCCUTCHEN LLP


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5 By: _____/S/
6 John D. Pernick
7 Attorneys for Plaintiff
8 GUARANTY BANK
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CASE MANAGEMENT ORDER

IT IS HEREBY ORDERED THAT:

The Case Management Conference is continued 60 days to permit the parties to discuss the issues relevant to the case management conference. The new case management conference is scheduled for May 19, ²⁰⁰⁶~~2005~~ at 10:30 a.m. A joint case management statement shall be filed no later than May 12, 2006. Plaintiff shall serve defendant with a copy of this order, and file proof of such service, by March 24, 2006.

DATED: March 15, 2006.


Hon. Maxine M. Chesney
United States District Judge